

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

HERBERT G. NEWTON,

Plaintiff,

v.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

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Case No. 2:20-cv-02691


Chief Judge Algenon L. Marbley

Magistrate Judge Deavers

ORDER

This matter comes before the Court on the Joint Motion to Remand this case to the Commissioner of Social Security. (ECF No. 23). The parties jointly stipulate that this matter should be remanded to the Commissioner of Social Security for further proceedings, pursuant to Sentence Four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g), and to enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.¹ Upon remand, the Appeals Council will vacate all findings in the Administrative Law Judge's decision. The Commissioner will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is under a disability as defined by the Social Security Act, including offering Plaintiff a new hearing. Thus, this Court **GRANTS** the Motion to Remand, and the Clerk is **ORDERED** to enter judgment pursuant to Fed. R. Civ. P. 58. (*Id.*).

IT IS SO ORDERED.


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: April 7, 2021

¹ Pursuant to *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993), a Sentence Four remand is a final judgment, and the court should direct the clerk to enter judgment on a separate document, pursuant to Fed. R. Civ. P. 58, remanding the case to the Social Security Administration.